Government of Kerala
1984

Reg. No. KL/TV(N)/12

KERALA GAZETTE

SUPPLEMENTS

PUBLISHED BY AUTHORITY

Vol. XXIX] Trivandrum, Tuesday, 17th April 1984 / 28th Chaithra 1906 (Saka) [No. 16

PART I

CONTENTS

Section iii

Section iv

Kerala Gazette No. 16 dated 17th April 1984.
PART I

GOVERNMENT OF KERALA

Abstract

KERALA PUBLIC SERVICE COMMISSION—APPOINTMENT OF DR. K. G. ADIYODI, NALINALAYAM, PERAMBRA—AS CHAIRMAN—NOTIFICATION ISSUED

GENERAL ADMINISTRATION (SPECIAL B) DEPARTMENT

G.O.Ms. No. 117/84/GAD. Dated, Trivandrum, 12th April 1984.

NOTIFICATION

The Governor of Kerala, has been pleased to appoint Dr. K. G. Adiyodi, Nalinalayam, Perambra as Chairman, Kerala Public Service Commission vice Shri M. K. Hemachandran, retired.

The above appointment will be on the usual salary for a term of 6 years or till he attains the age of 62 which ever is earlier.

By order of the Governor,
M. DANDAPANI,
Commissioner and Secretary to Government.

To

Shri K. G. Adiyodi, Nalinalayam, Perambra.
The Secretary, Kerala Public Service Commission, Trivandrum (with C.L.)
The Secretary to Governor (with C.L.)
The Private Secretary to Chief Minister
The Accountant General, Kerala, Trivandrum
The Director of Public Relations, Trivandrum.
The General Administration (SC, SS) Department
The C. A. to Commissioner & Secretary to Government, GAD. S.F.

Kerala Gazette No. 16 dated 17th April 1984.
PART I

GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICES—QUALIFICATIONS—RECOGNITION OF M.SC. DEGREE IN PHYSICS (WITH SPECIALISATION IN SPACE PHYSICS) OF THE KERALA UNIVERSITY AS EQUIVALENT TO M.SC. DEGREE IN PHYSICS—ORDERS ISSUED

GENERAL ADMINISTRATION (RULES) DEPARTMENT

G. O. (P) No. 85/84/GAD. *Dated, Trivandrum,* 19*th March* 1984.

Read:—1. G.O. (P) No. 383/83/GAD. dated 28-11-1983.

2. Letter No. AII (3)-29069/83/GW dated 6-3-1984 from the Secretary, Kerala Public Service Commission, Trivandrum.

ORDER

Government order that the following qualification shall be included as item No. (iv) in the list of qualifications mentioned in the G.O. read above.

"M. Sc. Degree in Physics (with specialisation in Space Physics) of the Kerala University.".

The G.O. read above stands modified to this extent.

By order of the Governor,
K.P. JOSEPH,
Joint Secretary.

To

The Secretary, Kerala Public Service Commission, Trivandrum (with C. L.)
All Heads of Departments and Offices.
All Departments (all Sections) of the Secretariat.
The Registrars, Universities of Kerala/Gandhiji/Cochin/Calicut/ Kerala Agricultural University, Trichur with (C. L.)
The Registrar, High Court of Kerala, Ernakulam (with C. L.)
The General Manager, Kerala State Road Transport Corporation, Trivandrum. (with C.L.)
The Secretary, Kerala State Electricity Board (with C. L.)
The Secretary to Governor, Trivandrum.
The Private Secretaries to the Chief Minister, Deputy Chief Minister and other Ministers.
The Under Secretary to the Chief Secretary.
The General Administration (Services-B and G) Departments.

Kerala Gazette No. 16 dated 17th April 1984.
PART I

G 445

GOVERNMENT OF KERALA

Abstract

GENERAL EDUCATION—OPENING AND UPGRADATION OF AIDED SCHOOLS DURING 1984-85—SANCTIONED

GENERAL EDUCATION (F) DEPARTMENT

G. O. (Ms.) No. 57/84/G.Edn. *Dated, Trivandrum,* 26*th March* 1984.

Read:—1. Notification No. W4-77916/81 dated 31-7-1981.
2. Notification No. NS(1) 30545/83 dated 16-9-1983 (No. 1041)
3. Notification No. NS(1) 30545/83 dated 16-9-1983 (No. 1042)
4. D.O. Letter No. NS(1) 30545/83 dated 24-11-1983 of the Director of Public Instruction.
5. Notification No. 12977/F3/84/G.Edn. dated 19-3-1984.

ORDER

In the notification read as second paper above the Director of Public Instruction, in exercise of powers conferred under sub rule (4) of Rule 2 Chapter V of Kerala Education Rules, published the additional final list of areas requiring schools on the basis of the decision taken by the Government on the review petitions filed under Rule 2(5), chapter V of K.E.R. against the final list of areas contained in the notification read as first paper above. He also, in his notification read as third paper above, invited applications for sanctioning of schools in the areas included in the final list read as second paper above.

The applications received through the educational officers concerned were considered by the Director of Public Instruction and forwarded to Government with his recommendations thereon, in

accordance with the provisions in Rule 2A, chapter V of K.E.R. The Government have considered the said applications in the light of the reports of the educational officers concerned and the Director of Public Instruction and other relevant factors and have decided that permission be given for opening/upgradation of the schools specified in the annexure to this order, during the academic year 1984-85 subject to the terms and conditions specified in G.O.(MS) 21/82/G.Edn. dated 15-2-1982.

The orders regarding the remaining cases will be issued separately.

By order of the Governor,
V. NARAYANAN ACHARI,
Deputy Secretary to Government.

Annexure

AIDED SCHOOLS

Sl. No.	Place	Name and address of the applicant	Name of the School	New/Upgrading/ Section
		High School		
	Tirur Educational District.			
1.	Poolamangalam	Kinangadan Pathummakutty, Karinkappara House, Cheloor P.O. Punnathala, via. Valanchery.	Zainudheen Memorial High School, Poolamangalam	New
	Alwaye Educational District			
2.	Panayikulam	General Manager, Corporate Educational Agency, Congregation of Teresian Carmelites, St. Joseph's Vidya Bhavan, Edappally.	Little Flower Girls High School, Panayikulam	Upgrading

	Kottarakara Educational District			
3.	Kottarakara	Most. Rev. Mathews Mar Coorilos, Bishop's Palace, Cross Junction, Quilon.	St. Gregorios High School, Kottarakara	New
		U. P. School		
	Palghat Educational District			
4.	Akkara	A. Abdul Kader Rowther, Manager, H.A.L.P. School, Akkara, P.O. Kavassery.	Hakkim Abbas Upper Primary School, Akkara	Upgrading

Kerala Gazette No. 16 dated 17th April 1984.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O (Rt.) No. 59/84/LBR. *Dated, Trivandrum, 16th January 98*

The award of the Industrial Tribunal, Alleppey in respect of the dispute between the Manage , Engine ering Department, Tata-Finlay, Regional Office, Munnar and the workmen o the above conc rn represented by the Secreta y, Devicolam Estate Workers Union, Munnar rece ved by Government on 28-12-1983 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 194).

By order of the Governor,
K. SIVADASAN,
Deputy Sec etary to Government

In the Court of the Industrial Tribunal, Alleppey

(Dated this the 1st day of November, 1983)

Present:

SHRI K. KANAKACHANDRAN

Industrial ribunal

In

INDUSTRIAL DISPUTE No. 5/1981

Between

The Manager, Engineering Department, Tata-Finlay Regional Office, Munnar.

And

The workmen of the above concern represented by the Secretary, Devicolam Estates Workers Union, Munnar

epresentations:

M/s. Menon and Pai,
Advocates,
Ernakulam, Cochin. .. For *Management*

Shri K. Damodara Kurup,
Advocate, Ernakulam. .. For *Uni n*

GA 212/S

AWARD

In this dispute, the issues referred for adjudication as per the Government Order G O. (Rt.) No. 654/81/LBR Labour (A) Department dated 20-5-1981 are:—

(1) Increase in wages and Bata to 18 workers designated as Helpers in Town Department of Tata-Finlay Limited, Munnar.

(2) Supply of Uniforms to the above workers.

2. Along with the reference order a charter of demand submitted by the union to the Management was also forwarded.

3. In the claim statement filed by the union it is contended that the workmen concerned in the dispute are doing skilled works although they are designated as Helpers in the Engineering Department of the Management Estate. They are working as Masons, Carpenters and Painters for considerably a long period. They are now paid only wages applicable to unskilled workers in the estate. They are engaged for cement flooring, white washing, painting, and wood works. According to the union, all these workmen are proficient in the respective skilled works and yet they are not included in the Artisan category. It is also contended that these workmen attached to the Engineering Department are entitled to get wages applicable to Artisans in terms of the minimum wages notification issued by the Government of Kerala No. 49071/E1/80 L R dated 4-7-1981. As per the above notification the scale of pay of the Artisan category is fixed at Rs. 200-5-250-6-286-7-307 and therefore these workmen should also be put in that scale of pay. Another contention raised by the union is that although these workmen are engaged for works at different places in the estate, they are paid only Re. 1 as batta for their noon meals. Therefore the union's claim is that they should be given Rs. 3 per day as meals bata. On the issues of supply of uniforms the union's case is that these workmen are entitled for uniforms since they are doing skilled work just like other workers in the Artisan group.

4. In the counter statement filed by the Management it is contended that in the Town Department there are 13 artisans whose pay and emoluments are fixed by conciliation settlement. The workmen concerned in the dispute are mazdoors (unskilled workers) of the Town Department and their wages were also fixed in terms of the settlements arrived at in the year 1968 Their service conditions are similar to those of general workers in the estate According to the management since the mazdoors of the Town Department are covered by two bipartite settlements, the reference of dispute itself is violative of Sec 19 of the Industrial Dispute Act 1947, since those settlement are not terminated in accordance with the law. Therefore it is the case of the management that since the present dispute is raised during the pendency of the settlements, the reference itself is bad in law and without jurisdiction. It is further contended that none of the mazdoors of the Town Department are designated as helpers and this is evident while going through several settlements arrived at before the reference of this dispute. The

workmen concerned in the dispute are unskilled workers and they are similar to any other unskilled general workers in the estate Therefore it is contended that any revision of wages or increase in payment of bata or supply of uniforms to these 18 mazdoors will only upset the industrial peace in the estate. They are entitled for increase in wages or bata only in accordance with the industry-cum-region basis. Since the management is not having enough financial capacity to bear any additional burden, it is not at all possible to enhance the wage structure of these workmen taking as a special case. But, if there is any vacancy of Artisan and if any of these workmen has necessary proficiency in respect of a particular trade, he will be appointed in the Artisans category. Before any one is appointed in the Artisan category, he cannot claim wages applicable to Artisan. It is further contended that it is also not possible to pay the job differentials to these workmen and they could only be paid in accordance with the terms of existing settlement. Now wage differentials are paid considering the nature of work done by various other categories viz., Sweepers, Cattle-keepers and Inseminators. Since these workmen are not doing the work of Masons, Carpenters and Painters they cannot be given the wages of Artisans. The Minimum Wage Notification issued by the Government on 4-7-1981 cannot be made applicable to these workmen because they are unskilled workers. The works which are now being done by them could be done by other estate workers also. There is no justification for paying Rs. 3 as meals bata. On the question of providing uniforms, the management's stand is that there is no obligation for the management to provide Mazdoors of the Town Department with uniforms since their nature of work does not call for any need of uniforms.

5. In the rejoinder filed by the union it is contended that the two memorandums of settlements alleged to have been entered into with the Masdoors are not applicable in the case of the workmen concerned in the dispute. The wage scale had undergone several changes even after those settlements alleged to have been arrived at during the year 1968. Although they are still designated as Masdoors, they are doing skilled works and that is the reason why demand was made to pay wages of the Artisans to these workmen also.

6. At the time of reference, the total number of the workmen concerned in the dispute was 18. During the pendency of the dispute, two workmen viz. M. Mosai and M. Muthiah retired from service. Three other workmen viz. P. Muniappan, R. Palaniswamy and Sankarasamy were promoted as Masons. The other two workmen viz., P. Kalimuthu and S. Karuppiah were promoted as Carpenters. Therefore, in this dispute, only the cases of remaining 11 workmen who are now working as Masdoors have to be considered regarding their entitlement for getting the wages of Artisans. The above said details are evident from Ext. W5 list produced by the union and that was marked at the time of examination of WW1. The order of appointment given to S. Karuppiah appointing him as Artisans

Grade III was also marked in these proceeding's as Ext. W6. It can be seen that he was appointed as Artisan Grade III on 31-8-1982 in the scale of pay of Rs. 155-5-205. In addition to the basis wages, an Artisan will be entitled for D.A., Personal Allowance at the rate of Rs. 65 per month, free accommodation, subsidised food grains and fire wood, T.A. at the rate of 12 P. per kilometer and also bonus. The case of the union in this dispute is that the rest of 11 Mazdoors should also be promoted as Artisans in different categories according to the nature of works now being done by them.

7. In the Management estate workmen coming under the category of Artisans are: Masons (Grade-I, Grade-II and Grade-III) Carpenters (Grade-I and Grade-II) and Fitters (Grade-II) and Painters (Grade-II) The scale of pay applicable to these workmen in the Artisan category are fixed earlier by memorandum of settlement Ext. M8 dated 15-12-1977. Then after by the notification Ext. W4 dated 4-7-1981, the Government of Kerala revised the minimum wages in respect of the Artisans category on the basis of the recommendation of the Minimum Wages Advisory Board constituted under the Minimum Wages Act. Accordingly the basic wages of the Artisans Category was revised to Rs. 200-5-250-6-286-7-307.

8. The case of the union is that although the workmen concerned in the dispute are treated by the Management only as Helpers who are assisting the Masons and the Carpenters, they are actually doing the pucca work of the Artisans. Since they are doing all the work of Artisans, they should be given wages in terms of Ext. W4 notification issued by the Government of Kerala.

9 Now the question is whether the Mazdoors who claim that they are doing the works of Artisans are actually doing those works. In this connection it would be better to go through the evidence tendered by one of the concerned workmen. WW1 who is designated as Mazdoor is working in the estate for the last 5 years. He had deposed that himself and other Mazdoors are working along with the Painters, Masons and Fitters and they are also doing the same work just like other Artisans. DW2 is the Secretary of the Union He had stated that since the workmen concerned the dispute are also doing the same work, they should be given the same wages which are now being given to pucca Artisans.

10 On the other hand, the oral evidence tendered by the witnesses on the side of the management is contrary to the evidence tendered by the workmen and their union representative. According to MW1, these general Mazdoors are doing only manual work and they are not at all engaged for doing any skilled work as is done by the Artisans These Mazdoors are only helping the Artisans in their work The nature of their work is purely unskilled. MW1 has stated that whenever vacancies

are there in the Artisans category, experienced Mazdoors would be appointed as Artisans. MW2 is the Superintendent of the Town Department of the management company. According to him also the Mazdoors in the Town Department are not doing any skilled work as in the case of Artisans. The Mazdoors are engaged only for carrying materials like timber, cement and sand to the work spot and for clearing of drains and roads The vacancies in the Artisans category are being filled up both by direct recruitment and by promotions of Mazdoors on the basis of their experience. Following this, about 8 such Mazdoors were promoted as Artisans already The difficulty, according to MW2 for giving wage parity to the workmen concerned in the dispute after promoting them as Artisans is the bad financial position of the management. It is also contended that no such isolated promotions could be given to a small category because that would create serious repercussions in the entire tea industry.

11. From the nature of evidence adduced by both parties in this case it can be gathered that the Management is not totally against in giving promotion to the workmen concerned in this dispute as Artisans. According to the Management these workmen could be promoted only on the basis of availability of the vacancies and also the experience they have. It has come out in evidence that about 8 workmen in the Mazdoors category were already promoted as Artisans considering their experience in the respective categories in which they are working. Only 11 are remaining now aspiring promotion as Artisans. The Management's case is that as and when vacancies arise, the claim of these workmen would be considered for promotion as Artisans.

12. The plea made by the workmen is that although they are designated as Helpers, they are doing exactly the work done by Artisans. In that event it is only natural that they should be given wages fixed for Artisans. But the management's case is that these workmen are not doing any skilled work and they are engaged only for assisting the Artisans. In the absence of any supporting evidence, a proper conclusion regarding the actual work done by these mazdoors is rather difficult. But it cannot be denied that these workmen are gaining experience in the respective trade while working along with Artisans occasionally. They may also be doing the same work as is being done by the Artisans. They are working both as Helpers and Artisans.

13. Although the union had produced Ext. W5 list showing the names of workmen concerned in the dispute, there is no indication with regard to the category in which each workman is working now. There is no indication also to show whether they are working as Masons, Painters, or carpenters. Ext. W6 is the appointment order given to one workmen viz., S. Karuppiah as general purpose Artisan Grade-III. He is a workmen who was in the establishment for the last 15 years. Ext. M1

settlement dated 3-8-1968 shows that this particular workman was made permanent with effect from 1-8-1968. No evidence is now before me to show the length of service in the case of 7 workmen who are given promotion during the pendency of the dispute. The dates of promotion are also not evident. It is a fact that these 7 workmen were appointed in the Artisans category considering the experience gained by them while working as Helpers to the Artisans. That would indicate that such promotees were not all doing exclusively the work of Helpers. As and when exigency arose, they had also worked with the Artisans and thus they gained experience. That experience was taken into consideration by the management for promoting them as Artisans when vacancies arose in the Artisans category. Possibly the case of the remaining 11 workmen may also be the same. They are also gaining experience while working along with the Artisans although they are designated only as Helpers. Moreover the management has no objection in appointing them also as Artisans as and when vacancies arise in the Artisans category.

14. In the above circumstance, only relief which can be given to the workmen in this dispute is to fix a minimum period of service for their entitlement for promotion as Artisans. If any of the workmen concerned in this case is doing the work of pucca Artisan he shall be given the wages fixed for Artisans. Those Mazdoors who have completed a minimum 10 years of service shall be promoted as Artisan if they are doing skilled work also along with the other Artisans.

15. On the question of uniform to the workmen concerned in the dispute, the evidence adduced by the union in this case is to the effect that Artisans are now being given uniforms. WW1 has stated that since Artisans are provided with uniforms, the workmen concerned in the dispute who are also doing the same work of Artisans, should be provided with uniforms. But MW2 has stated that neither the Artisans nor the Mazdoors are given uniforms now. That is the position not only in the case of the management estate but of the other estates also. The entitlement of uniforms to the Artisan category is not at all an issue before me. Therefore considering the rival contentions I can only hold that the workmen will be entitled for uniforms on their promotion as Artisans only if existing Artisans are provided with uniforms because of their nature of employment. Similarly the basis for entitlement higher batta will also be the same.

Award is passed accordingly.

K. KANAKACHANDRAN,
Industrial Tribunal.

Alleppey.

Appendix

Witnesses examined on the side of the Management.

MW1: James I Fernandez.

MW2: Sasimoorthy.

Exhibits marked on the side of the Management:

Ext. M1. Memorandum of settlement dated 23-8-1968 between the Management and the unregistered Mazdoors.

,, M2. Memorandum of settlement dated 23-8-1968 between K.D.H.P. Company Ltd, Munnar and Sweeper /Cattle-keepers employed in Town Department.

,, M3. Memorandum of settlement between the Management of Town Department and the Artisans employed in the above Department.

,, M4. True copy of the letter dated 27-10-1977 from Tata-Finlay Ltd., addressed to Shri M. Iyakutty.

,, M5. Memorandum of settlement dated 26-9-1974 between the K.D.H.P. Company Ltd., and the workmen of the above concern.

,, M6. Memorandum of settlement dated 16-9-1970 between the Management and the Artisans.

,, M7. Memorandum of settlement dated 7-11-1974 between the Management and the Artisans.

,, M8. Memorandum of conciliation settlement dated 15-12-1977.

,, M9. Conciliation settlement dated 3-12-1980.

,, M10. The letter of appointment dated 13-1-1968 issued to P. Thomas.

,, M11. Copy of representation dated 26-3-1982 made by the Association of Planters, Kerala.

,, M12. Government Notification No. G.O. (MS) 65/82/TD dated 29-10-1982.

,, M13. Government Notification No. G.O. (MS) 66/82/TD dated 29-10-1982.

Witnesses examined on the side of the Workmen.

WW1: Ayyakutty, M.

WW2. Ouseph, M.J.

Exhibits marked on the side of the Workmen.

Ext. W1. Copy of the letter No. OR/662/80 dated 21-5-1980 from D.E.W. Union, Munnar addressed to the Superintendent, Tata-Finlay Ltd., Munnar.

W2. Copy of the letter dated 30-9-1982 from the Superintendent, Tata-Finlay, Munnar addressed to M/s. D.E.W, Union, Munnar.

,, W3. Copy of the letter No. OR/1647/80 dated 28-7-1980 from D.E.N. Union, Munnar addressed to the Deputy Labour Officer, Munnar.

,, W4. G.O. Notification No. 49071/E1/80/LBR dated 4-7-1981.

,, W5. List of workers covered by the dispute.

,, W6. True copy of the letter dated 31-8-1982 from Tata-Finlay Ltd., addressed to Shri S. Karuppiah, Town Department, Munnar.

Kerala Gazette No. 16 dated 17th April 1984.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O. (Rt.) No. 1491/83/LBR. *Dated, Trivandrum, 26th December 1983.*

The award of the Industrial Tribunal Alleppey in respect of the dispute between the Manager, Indian Express (Madurai). (Private) Limited, Calvetty and their workmen represented by the Secretary, Indian Express Employees Union, Calvetty, Cochin-1 l received by Government on 12-12-1983 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
K. SIVADASAN,
Deputy Secretary to Government.

In the Court of the Industrial Tribunal, Alleppey

Present:

Shri K. KANAKACHANDRAN,
Industrial Tribunal

In

INDUSTRIAL DISPUTE No. 28/82

Between

The Manager, Indian Express (Madurai) (Private) Limited, Calvetty, Cochin-1.

And

The workmen of the above concern represented by the Secretary, Indian Express Employees Union, Calvetty, Cochin-1

Representations:

U. K. Ramakrishnan,
T. K. Jayaram &
E. K. Madhavan, Advocates,
Ernakulam. .. For *Management*

K. P. Dandapani,
Sumathi Dandapani,
Advocates, Cochin. .. For *Union*

GA. 203/L

destruction to the plant and machinery as also to the establishment. in these circumstances, the Management says that they had no option but to declare the lock-out on 6-5-1979.

6. In the rejoinder filed by the union, most of the contentions raised by the management in their counter statement are denied. According to the union, the two employees who were ordered to go to Madras and Hydrabad were placed under suspension about 6 months prior to their transfer. The suspensions were revoked after awarding the punishment of the barring of one increment. After this, the union demanded furnishing of copy of the enquiry report and the proceedings in relation to the delinquent employees. But the management was not prepared to furnish those records. In that circumstance the union took up a stand that they would not honour the terms of settlement (of 2-4-1979) unless the issue of punishment was settled after supplying the copy of the enquiry report to them. They also threatended with immediate stoppage of work. The employees who were ordered to go to Madras and Hydrabad actually left Cochin only after the signing of agreement between the management and the union and after the lifting of lockout. The demand for flood advance was not at all a sudden invention but it was followed on the line of demand raised by the employees of the Cochin Port Trust. Moreover thise demand for flood advance was raised as early as on 6th April 1979.Therefore it is the case of the union that neither their warning to the managemen on 20the April 1979 nor their demand for flood relief advance on 16th April 1979 had anything to do with the lockout declared on 6-5-1979. The union also denied the allegation of the attempt to sabotage plant and machinery as also attempt to assault the Press Superintendent. On the allegation of distruction of composed matter, the union says that if the actual position was as stated by the management it was not at all possible to start printing of the paper after the resumption of power supply. It is also contended that till the declaration of lockout, the management had no case of act of sabotatge or threat to life and property against workmen. The management declared lockout in a ugly haste even before disposing the salary for the month of April 1979.

7. Before going to the merit of the lockout declared by the management it would be better to examine some past events connected with the disputes. Ext. M2 settlement would show that there was an Industrial dispute on the issue of transfers of two employees viz., Sunny Thomas and Mathew P. Karimadom to Madras and Hydrabad respectively. The union took up the matter for conciliation before the Deputy Labour Commissioner Ernakulam and the Inspector of Newspaper Establishment, Trivandrum. In their presence a joint conference was held on 2-4-1979 and a settlement was arrived at. In this context it is very relevant to note two of the terms of settlement arrived at by the parties. I shall extract those here:—

(1) It is agreed by the Union that they accept the principle of transfer that it is the privilege of the Management to transfer the employee from one unit to another. However since

some disciplinary action had been taken against Sri Sunny Thomas and Sri Mathew P. Karimadom and in order to facilitate their transfer the union requested to some more time for the workers to join their respective places.

(2) It is agreed that Sri Sunny Thomas will join at the new post at Madras on 23-4-1979 and Mathew P. Karimadom will join in the new post at Hyderabad on 22-6-1979.

(3) These workers will be granted usual joining time for joining their respective posts in Madras and Hyderabad.

8. Purusant to Ext. M2 settlement separate letters were sent to the concerned employees who were under transfers to Madras and Hyderabad. Ext. M18 is the letter addressed to Sunny Thomas granting time for him to join duty at Madras. Similarly Mathew P. Karimadom was also given time to join duty at Hyderabad till 22-6-1979. These letters will show that no controversy was there in relation to the matters relating to the transfers after Ext. M2 settlement. Both union and management had agreed on the modalities of the transfers to be effected. After the Ext. M2 settlement and Ext. M18 and M19 letters, under what circumstance the union was compeleted to send Ext. M3 letter to the Manager of Indian Express, Cochin? This is not explained properly. The union tries to give some explanation in Ext. M3 letter. The Management has produced before this Court Ext. M3 letter dated 20-4-1979 sent by the General Secretary of the Indian Express Employees Union, Cochin. Some portions of the letter are relevant and therefore I am extracting below a few sentences from Ext. M3 letter.

> The dispute on the transfer of the two employees, Mr. Sunny Thomas and Mr. Mathew Karimadom, continues. As you know, we are of the view that these transfers are purely vindictive and have absolutely no justification. That this is so has been made clear by the Chief Executive, Mr. R. Ramakrishnan, when the Union representatives met him at Madras last month. He had told us that there transfer is a matter that could be discussed between you and the Union here and settled ....
> Under the circumstances, we are left with no alternative but to advise the employees concerned not to accept the transfer. We are convinced that this transfer is nothing but vindictive and if we are to accept this lying low, there would be not only no job security but the very foundation of the Union would be uprooted........
> We may also notiify you that if you take any action against these employees, following their refusal to accept the transfer and report to the respective centres as directed by you, we would be calling an immediate stoppage of work by all the employees in the Cochin Establishment. Please take notice."

9. As stated earlier Ext. M2 settlement was signed on 2-4-1979. In terms of the settlement, the two employees who were under orders of transfer were given communications by Ext. M18 and M19 letters. What happened

between 2-4-1979 and 20-4-1979 is not explained by the union anywhere. In Ext. M3 letter, it is stated that there was an understanding that the question of transfer would be a subject matter of discussion between the Manager, of Indian Express, Cochin and the Union. This understanding, union states in Ext. M3 was on the basis of a discussion the union had with the Chief Executive at Madras some time during March-before the execution of Ext. M2 settlement. Ext. M2 settlement is in clear terms and nothing is specified therein reserving any right for the union to make discussion with the managemnet on the question of transfers of two employees as also on the disciplinary action against them. After the Ext. M2 settlement, what kind of development took place? The union has not explained under what circumstance they advised the employees concerned not to accept the transfer. Because of the stand taken by the union, two employees who were under orders of transfer refused to leave Cochin. The union threatened the management that if the management tries to implement the transfer orders, they would call for the immediate stoppage of work in the establishment. This is nothing but a clear violation of the terms of Ext. M2 settlement between the union and the management on the question of transfers of two employees to Madras and Hydrabad. I went through a letter written by the Deputy Labour Commissioner to the union explaining the circumstances under which the settlement was arrived at on the question of transfer of two employees. Ext. M5 is the letter sent by the Deputy Labour Commissioner who was the conciliation Officer in the dispute which resulte in Ext. M2 settlement. Ext. M5 letter dated 23-4-1979 will speak volume for what exactly the nature of discussions between the management and the union on the question of transfers of the two employees. In addition to this fact, there is one more vindicatory aspect which is evident from Ext. M13 notice published by the management in the Mathrubhumi Daily on 8th May 1979. In Ext. M13 notice, the management explained in detail under what circumstances they were forced to declare a lockout in the establishment. There is a reference about the settlement they arrived at with the union on 2nd April 1979 and the role played by the President of the union in the settlement. I shall extract a portion from Ext. M13:—

> "By now, the president of the Indian Express Employees Union Sri. S. C. S. Menon, resigned his Presidentship presumably to record his protest against the action of the office bearers of the union".

10. The statement of the management regarding the resignation of the President of the union protesting against the attitude of his fellow men is not controverted by the union. The follow up action taken by the union pursuant to Ext. M3 notice is also not explained by them. They only say that they had not resorted any go-slow and as usual the Indian Express Daily came out on 3-5-1979. The delay according to union, was due to the power failure after 9.30 in the night of 2-5-1979. On the other hand the management pointed out certain incidents connected with the go-slow process adopted by the workmen for delaying the printing of the

newspaper from 3-5-1979 onwards. Ext. M9 is one of the notices issued by the management by which certain specific incidents were pointed out. This notice was issued at 11.30 night on 3-5-1979. Ext. M9 reads as follows:—

> The management regrets to find that inspite of its appeal made earlier in the day, a section of employees is continuing the go-slow tactics and act of sabotage. The stereo belt of routing machines which were cut yesterday were replaced, but even the replaced ones have been found to he destroyed to night. Management views these very seriously and wishes to warn that it will no longer he in a position to he a passive spectator to these deliherate and wilful facts of sahotage and suhversion to discipline".

The matters did not improve despite Ext. M9 notice. Then another notice Ext. M10 was put up again on 5-5-1979 stating that work schedule could not be kept in time on account of the non co-operation of the workers in the press. In Ext. M10 notice it is stated that the last page would he normally ready by 11.30 p. m. every day but after the starting of go-slow, it could he released only by 1.30 a. m. On account of that, printing was also delayed for more than two hours. Request was made in Ext. M10 to co-operate with the management for maintaining normal production of newspaper in the estahlishment.

11. As stated earlier, the union has failed to explain the course of action chosen by them pursuant to Ext. M3. It is a fact that the management had not withdrawn thetransfer orders dispite the threat made by the union in Ext. M3 letter. The management replied Ext.M3 letter on 23-4-1979 itself (by Ext. M4). It has been brought in evidence that the persuasion made by the Deputy Labour Commissioner through Ext. M5 letter did not make any effect. In that circumstances the aftermath could only be the cessation of work in the management establishment as threatened by the union. But the union's attempt was to show ignorance on the incidents happened. That expression of ignorance cannotbe accepted in view of the fact that the threat made by them in Ext. M3 was subsisting then. If the real cause for the delayed printing of the issue dated 3-5-1979 was power failure, there was no reason to continue the delay in publication for the days subsequent to that also. Therefore it is a fact that some troubles were developing in the press after the servicing of Ext. M3 letter to the Management.

12. In the above circumstance I cannot accept the contention raised by the union in relation to the circumstances under which management declared a lockout on 6-5-1979. The version given by the management, according to me, is more probable and that is also supported hy documentary evidence. The threat made by the union regarding stoppage of work in the estahlishment had not been withdrawn at any time. Therefore the only presumption that could be gathered in the circumstances revealed in this

case is that some of the workmen were responsible for compelling to the management to declare a lockout. Therefore I hold that the lockout declared by the management is legal. In the result the workmen are not entitled for any wages for the lockout period from 6-5-1979 to 4-6-1979.

The award is passed accordi ngly.

K. KANAKACHANDRAN,
Industrial Tribunal.

Appendix

Witneses examined on the side of the Union:

WW1. Shri Jacob John.
WW2. Shri O. Venugopalan.

Exhibits marked on the side of the Union:

Ext. W1. Indian Express Daily dt. 3-5-1979.
,, W2. Log Book.

Witnesses examined on the side of the Management:

MW1. Shri S. Ramachandran.
MW2. Shri M. G. Balakrishnan.

Exhibits marked on the side of the Management:.

Ext. M1. Copy of the letter dt. 10-3-1979 from the union addressed to the management.
,, M2. Copy of the memorandum of settlement dt. 2-4-1979.
,, M3. Copy of the letter dt. 20-4-1979 from the union addressed to the management.
,, M4. Copy of the letter dt. 24-4-1979 addressed to the union.
,, M5. Copy of the letter No. B-1202/79 dt. 23-4-1979 from the Deputy Labour Commissioner, Ernakulam addressed to the Union.
,, M6. Copy of the letter dt. 30-4-1979 from the Management addressed to the Union.
,, M7. Management's notice dt. 3-5-1979.
,, M8. Notice dt. 3-5-1979 and the covering letter attached to.
,, M9. Notice dated 3-5-1979 issued by Indian Express Pvt. Ltd., Cochin.
,, M10. Notice dt. 5-5-1979 issued by M/s Indian Express Pvt. Ltd., Cochin.
,, M11. Notice dated 6-5-1979 issued by M/s Indian Express Pvt. Ltd. Cochin.
,, M12. Conciliation settlement.
,, M13. Mathrubhumy Daily dated 8-5-1979.
,, M14. Page releasing Time Report Book.
,, M15. Parcel Despatch Night Report Book.
,, M16. Copy of the letter of transfer addressed to Shri Mathew P. Karumadam.

Ext. M17. Copy of the letter of transfer dated 8-3-1971 addressed to Sri Sunny Thomas.

,, M18. Copy of the letter from the M/s. Indian Express Pvt. Ltd., addressed to Shri Sunny Thomas.

,, M19. Copy of the order dated 22-6-1979 issued to Mathew P. Kurimadam.

,, M20. Letter dated 14-6-1979 from M/s. Indian Express Pvt. Ltd., addr ss d to Shri M thew P. Karimadam.

,, M21. Copy of the letter dated 20-4-1979 from M/s. Indian Express Pvt. Ltd., addressed to the Dy. Labour Commissioner, Ernakulam.

,, M22. Covering letter attached to the Ext. M2 settlement displayed in the notice board of the establishment.

,, M23. Copy of the phonogram sent by the Manager, Indian Express to the Inspector of Newspapers, Labour Commissioner, Trivandrum.

,, M24. Copy of the letter dated 4-5-1979 addressed to the Dy. Labour Commissioner, Ernakulam.

,, M25. Copy of the letter dated 4-5-1979 addressed to City Police Commissioner, Ernakulam.

,, M26. Copy of the charge Memo issued to Shri Antony Muthu.

,, M27. Copy of the charge Memo issued to Shri D. S. Babu Rao.

,, M28. Copy of the charge Memo issued to Shri P. N. Balachandran.

,, M29. Copy of the Charge Memo issued to Shri E. Radhakrishnan.

,, M30. Letter of undertaking from Shri Antony Muthu.

,, M31. Copy of the Order dated 7-6-1979 issued by the Management.

,, M32. Letter of undertaking on the basis of a settlement dated 1-6-1979 from Shri D. S. Babu Rao.

,, M33. Copy of the order on the basis of Ext. M32 issued to Shri D. S. Babu Rao.

,, M34. Copy of the order on the basis of Ext. M12 settlement issued to Shri R. M. Balachandran.

,, M35. Copy of the order on the basis of Ext. M12 issued to Shri E. Radhakrishnan.

Kerala Gazette No. 16 dated 17th April 1984.
PART I

Section iii

കേരള സർക്കാർ

നിയമ (നിയമനിർമ്മാണം-എ) വകുപ്പ്

വിജ്ഞാപനം

നമ്പർ 12103/ലഗ്. എ2/83/ലാ. തിരുവനന്തപുരം, 1983 ജൂലൈ 30/
1905 ശ്രാവണം 8.

കേരള സംസ്ഥാന നിയമസഭയുടെ താഴെപ്പറയുന്ന ആക്ററ്, പൊതുജനങ്ങളുടെ അറിവിനായി ഇതിനാൽ പ്രസിദ്ധപ്പെടുത്തുന്നു. നിയമസഭ പാസ്സാക്കിയ പ്രകാരമുള്ള ബില്ലിന് 1983 ജൂലൈ 29-ാം തീയതി ഗവർണ്ണറുടെ അനുമതി ലഭിച്ചു.

ഗവർണ്ണറുടെ ഉത്തരവുപ്രകാരം,
കെ. വിശ്വനാഥൻ നായർ,
സ്പെഷ്യൽ സെക്രട്ടറി (ലാ).

1983-ലെ 9-ാം ആക്ററ്

1983-ലെ കേരള ധനവിനിയോഗ (2-ാം നമ്പർ) ആക്ററ്

1983 ഏപ്രിൽ ഒന്നാം തീയതി ആരംഭിക്കുന്ന സാമ്പത്തിക വർഷത്തിലെ സർവ്വീസുകൾക്കുവേണ്ടി കേരള സംസ്ഥാന സഞ്ചിതനിധിയിൽ നിന്നും ചില തുകകൾ പിൻവലിക്കുന്നതിന് വ്യവസ്ഥ ചെയ്യുന്നതിനുള്ള ഒരു ആക്ററ്.

പീഠിക.—1983 ഏപ്രിൽ ഒന്നാം തീയതി ആരംഭിക്കുന്ന സാമ്പത്തിക വർഷത്തിലെ സർവ്വീസുകൾക്കുവേണ്ടി കേരള സംസ്ഥാന സഞ്ചിതനിധിയിൽ നിന്നും ചില തുകകൾ പിൻവലിക്കുന്നതിന് വ്യവസ്ഥ ചെയ്യേണ്ടത് ആവശ്യമായിരിക്കുകയാൽ;

ഇൻഡ്യൻ റിപ്പബ്ലിക്കിന്റെ മുപ്പത്തിനാലാം സംവത്സരത്തിൽ താഴെപ്പറയും പ്രകാരം നിയമമുണ്ടാക്കുന്നു :—

1. ചുരുക്കപ്പേര്.—ഈ ആക്ററിന് 1983-ലെ കേരള ധനവിനിയോഗ (2-ാം നമ്പർ) ആക്ററ് എന്ന് പേർ പറയാം.

2. 1983 ഏപ്രിൽ 1-ാം തീയതി ആരംഭിക്കുന്ന സാമ്പത്തികവർഷത്തേയ്ക്ക് കേരള സംസ്ഥാന സഞ്ചിതനിധിയിൽ നിന്നും 14,07,2696,800 രൂപ പിൻവലിക്കൽ.—പട്ടികയിലെ (2)-ാം കോളത്തിൽ പ്രത്യേകം പറഞ്ഞിട്ടുള്ള സർവ്വീസുകളും ആവശ്യങ്ങളും സംബന്ധിച്ച് 1983 ഏപ്രിൽ 1-ാം തീയതി ആരംഭിക്കുന്ന സാമ്പത്തിക വർഷത്തിൽ തുകകൾ നൽകുമ്പോൾ വന്നുചേരുന്ന വിവിധ ചെലവുകൾ കൊടുത്തു തീർക്കുന്നതിനായി പട്ടികയിലെ (3)-ാം കോളത്തിൽ പ്രത്യേകം പറഞ്ഞിട്ടുള്ളതിൽ കവിയാത്തതും ആയിരത്തിനാനൂറ്റി ഏഴു കോടി ഇരുപത്തിആറു ലക്ഷത്തി തൊണ്ണൂറ്റി ആറായിരത്തി എണ്ണൂറ് രൂപ [ഇതിൽ 1983-ലെ കേരള ധനവിനിയോഗ (വോട്ട് ഓൺ അക്കൗണ്ട്) ആക്റ്റ് (1983-ലെ 2) 2-ാം വകുപ്പിൽ പറഞ്ഞിട്ടുള്ള നാനൂറ്റി അറുപത്തി ഒൻപത് കോടി, എട്ടുലക്ഷത്തി തൊണ്ണൂറ്റി ഒൻപതിനായിരം രൂപ ഉൾപ്പെടുന്നതാണ്.] മൊത്തം വരുന്ന തുക കേരള സംസ്ഥാന സഞ്ചിതനിധിയിൽ നിന്നും നൽകേണ്ടതും വിനിയോഗിക്കേണ്ടതുമാണ്.

3. ധനവിനിയോഗം.—ഈ ആക്റ്റു മൂലം കേരള സംസ്ഥാന സഞ്ചിത നിധിയിൽനിന്നും നൽകാനും വിനിയോഗിക്കാനും അധികാരപ്പെടുത്തിയിട്ടുള്ള തുകകൾ പ്രസ്തുത വർഷം സംബന്ധിച്ച് പട്ടികയിൽ പ്രത്യേകം പറഞ്ഞിട്ടുള്ള സർവ്വീസുകൾക്കും ആവശ്യങ്ങൾക്കും വേണ്ടി വിനിയോഗിക്കേണ്ടതാണ്.

പട്ടിക

(2-ം 3-ം വകുപ്പുകൾ നോക്കുക)

വോട്ടിന്റെ നമ്പർ	സർവ്വീസുകളും ആവശ്യങ്ങളും		കവിയാത്ത തുകകൾ		
			നിയമസഭ വോട്ടു ചെയ്തത്	സഞ്ചിതനിധിയിൻമേൽ ചുമത്തിയതിൽ	ആകെ
			രൂപ	രൂപ	രൂപ
(1)	(2)			(3)	
I	സംസ്ഥാന നിയമസഭ	റവന്യൂ	1,00,48,000	1,90,000	1,02,38,000
II	സംസ്ഥാന തലവൻമാരും, മന്ത്രിമാരും, ഹെഡ്ക്വാർട്ടേഴ്സ് സ്റ്റാഫും	,,	7,46,56,400	1,56,36,000	9,02,92,400
III	നീതിന്യായഭരണം	,,	7,53,85,900	83,93,900	8,37,79,800
IV	തെരഞ്ഞെടുപ്പുകൾ	,,	1,00,00,100	..	1,00,00,100
V	കാർഷികാദായ നികുതിയും വിൽപ്പന നികുതിയും	,,	5,79,50,800	35,000	5,79,85,800
VI	ഭൂനികുതി	,,	14,72,61,600	1,65,500	14,74,27,100
VII	മുദ്രപ്പത്രങ്ങളും രജിസ്ട്രേഷനും	,,	4,85,90,800	..	4,85,90,800
VIII	എക്സൈസ്	,,	4,15,19,100	15,000	4,15,34,100
IX	വാഹന നികുതി	,,	1,13,25,100	1,000	1,13,26,100
	കടബാദ്ധ്യതകൾ	,,	..	77,70,31,400	77,70,31,400
X	ട്രഷറിയും അക്കൗണ്ടുകളും	,,	3,73,37,600	..	3,73,37,600
XI	ജില്ലാഭരണവും പലവകയും	,,	6,22,30,200	21,000	6,22,51,200
XII	പോലീസ്	,,	45,16,80,400	19,000	45,16,99,400
XIII	ജയിലുകൾ	,,	1,93,15,100	10,000	1,93,25,100

(1)	(2)		(3)		
XIV	ലേഖന സാമഗ്രിയും അച്ചടിയും ഭരണംസംബന്ധിച്ച മററു സർവ്വീസുകളും	റവന്യൂ	6,93,78,000	..	6,93,78,000
XV	പൊതുമരാമത്ത്	,,	45,54,74,800	10,00,000	45,64,74,800
		മൂലധനം	16,98,91,000	9,10,000	17,08,01,000
XVI	പെൻഷനും പലവകയും	റവന്യൂ	59,63,40,600	26,30,400	59,89,71,000
XVII	വിദ്യാഭ്യാസവും കലയും സംസ്കാരവും	,,	3,04,46,55,300	5,52,000	3,04,52,07,300
		മൂലധനം	5,04,41,000	50,000	5,04,91,000
XVIII	മെഡിക്കൽ	റവന്യൂ	59,31,48,600	12,100	59,31,60,700
		മൂലധനം	3,28,55,000	1,00,000	3,29,55,000
XIX	കുടുംബക്ഷേമം	റവന്യൂ	8,82,53,100	..	8,82,53,100
		മൂലധനം	1,30,00,000	..	1,30,00,000
XX	പൊതുജനാരോഗ്യം	റവന്യൂ	8,77,02,600	1,000	8,77,03,600
XXI	പൊതുജനാരോഗ്യ എഞ്ചിനീയറിംഗ്	റവന്യൂ	16,17,77,900	10,000	16,17,87,900
		മൂലധനം	22,05,20,500	8,30,000	22,13,50,500
XXII	ഭവനനിർമ്മാണം	റവന്യൂ	4,17,40,500	1,00,000	4,18,40,500
		മൂലധനം	5,67,33,000	3,00,000	5,70,33,300
XXIII	നഗരവികസനം	റവന്യൂ	3,23,76,500	..	3,23,76,500
		മൂലധനം	1,62,50,000	..	1,62,50,000
XXIV	ഇൻഫർമേഷനും പബ്ലിസിറ്റിയും	റവന്യൂ	1,43,81,400	..	1,43,81,400
XXV	തൊഴിലാളികളും തൊഴിലും	റവന്യൂ	14,64,00,000	1,000	14,64,01,000
		മൂലധനം	1,00,000	..	1,00,000
XXVI	ഹരിജനക്ഷേമം ഉൾപ്പെടെയുള്ള സാമൂഹ്യക്ഷേമം	റവന്യൂ	51,69,91,500	7,000	51,69,98,500
		മൂലധനം	1,36,23,200	..	1,36,23,200
XXVII	പ്രകൃതിക്ഷോഭം സംബന്ധിച്ച ദുരിതാശ്വാസം	റവന്യൂ	1,59,00,000	..	1,59,00,000
XXVIII	സഹകരണം	റവന്യൂ	8,12,47,100	10,000	8,12,57,100
		മൂലധനം	13,69,99,400	..	13,69,99,400

G. 254

XXIX	പലവക സാമ്പത്തിക സർവ്വീസുകൾ	റവന്യൂ	5,72,04,000	100	5,72,04,100
		മൂലധനം	45,00,100	..	45,00,100
XXX	കൃഷി	റവന്യൂ	45,14,76,200	1,00,000	45,15,76,200
		മൂലധനം	10,51,83,100	2,10,000	10,53,93,100
XXXI	ഭക്ഷ്യം	റവന്യൂ	5,21,26,000	..	5,21,26,000
		മൂലധനം	2,72,91,300	50,000	2,73,41,300
XXXII	മൃഗസംരക്ഷണം	റവന്യൂ	9,78,38,000	1,000	9,78,39,000
		മൂലധനം	37,75,000	..	37,75,000
XXXIII	ക്ഷീരവ്യവസായം	റവന്യൂ	1,93,03 700	..	1,93,03,700
		മൂലധനം	52,66,000	..	52,66,000
XXXIV	മൽസ്യബന്ധനം	റവന്യൂ	4,37,12,400	4,000	4,37,16,400
		മൂലധനം	3,30,00,100	..	3,30,00,100
XXXV	വനം	റവന്യൂ	14,27,65,200	2,00,000	14,29,65,200
		മൂലധനം	2,31,25,000	..	2,31,25,000
XXXVI	പഞ്ചായത്ത്	റവന്യൂ	10,39,74,100	..	10,39,74,100
		മൂലധനം	29,00,100	..	29,00,100
XXXVII	സാമൂഹ്യ വികസനം	റവന്യൂ	31,70,59,600	10,000	31,70,69,600
		മൂലധനം	1,00,000	..	1,00,000
XXXVIII	വ്യവസായം	റവന്യൂ	11,17,36,500	..	11,17,36,500
		മൂലധനം	20,98,23,000	1,00,000	20,99,23,000
XXXIX	ജലസേചനം	റവന്യൂ	22,46,44,000	1,000	22,46,45,000
		മൂലധനം	65,87,86,800	68,03,200	66,55,90,000
XL	വിദ്യുച്ഛക്തി	റവന്യൂ	27,00,000		27,00,000
		മൂലധനം	12,00,000	..	12,00,000
XLI	തുറമുഖങ്ങൾ	റവന്യൂ	1,14,50,000	..	1,14,50,000
		മൂലധനം	1,39,19,000	31,000	1,39,50,000
XLII	ഗതാഗതം	റവന്യൂ	1,72,90,800	..	1,72,90,800
		മൂലധനം	3,89,00,000	..	3,89,00,000

(1)	(2)		(3)		
XLIII	വിനോദ സഞ്ചാരം	റവന്യൂ	1,72,70,200	..	1,72,70,200
		മൂലധനം	1,32,00,000		1,32,00,000
XLIV	നഷ്ടപരിഹാരവും പതിച്ചു കൊടുക്കലും	റവന്യൂ	92,33,000	..	92,33,000
	കണ്ടിജൻസി ഫണ്ട്			..	
XLV	പൊതുക്കടം മടക്കി കൊടുക്കൽ	മൂലധനം	..	2,67,13,04,900	2,67,13,04,900
XLVI	പലവക വായ്പകളും മുൻകൂറുകളും	മൂലധനം	6,16,15,000	..	6,16,15,000
		ആകെ	10,58,58,50,300	3,48,68,46,500	14,07,26,96,800

(ശരിത്തർജ്ജമ)

എസ്. ശ്രീധരൻ നാടാർ,
അണ്ടർ സെക്രട്ടറി.

കേരള സർക്കാർ

നിയമ (നിയമ നിർമ്മാണം-സി) വകുപ്പ്

വിജ്ഞാപനം

നമ്പർ 10133/ലെഗ്. സി1/83/ലാ. തിരുവനന്തപുരം, 1983 ആഗസ്റ്റ് 20/ 1905 ശ്രാവണം 29.

1983 ആഗസ്റ്റ് 20-ാം തീയതി ഗവർണ്ണർ വിളംബരപ്പെടുത്തിയ താഴെ പറയുന്ന ഓർഡിനൻസ് പൊതുജനങ്ങളുടെ അറിവിനായി ഇതിനാൽ പ്രസിദ്ധപ്പെടുത്തുന്നു.

ഗവർണ്ണറുടെ ഉത്തരവുപ്രകാരം,
കെ. വിശ്വനാഥൻ നായർ,
നിയമവകുപ്പ് സെക്രട്ടറി.

1983-ലെ 26-ാം നമ്പർ ഓർഡിനൻസ്

1983-ലെ സർവ്വകലാശാല നിയമങ്ങൾ (ഭേദഗതി) ഓർഡിനൻസ്

ഇൻഡ്യൻ റിപ്പബ്ലിക്കിന്റെ മുപ്പത്തിനാലാം സംവൽസരത്തിൽ കേരള ഗവർണ്ണർ വിളംബരപ്പെടുത്തിയത്.

1974-ലെ കേരള സർവ്വകലാശാല ആക്റ്റും 1975-ലെ കോഴിക്കോട് സർവ്വകലാശാല ആക്റ്റും വീണ്ടും ഭേദഗതി ചെയ്യുന്നതിനുള്ള ഒരു ഓർഡിനൻസ്.

പീഠിക.—1982 നവംബർ 17-ാം തീയതി കേരളാ ഗവർണ്ണർ 1982-ലെ സർവ്വകലാശാല നിയമങ്ങൾ (ഭേദഗതി) ഓർഡിനൻസ് (1982-ലെ 6) വിളംബരപ്പെടുത്തിയിരിക്കുന്നതിനാലും;

1983 ഫെബ്രുവരി 25-ാം തീയതി ആരംഭിച്ച് 1983 മാർച്ച് 30-ാം തീയതി അവസാനിച്ച കേരള സംസ്ഥാന നിയമസഭയുടെ സമ്മേളനകാലത്ത് നിയമസഭയുടെ ഒരു ആക്റ്റ്മൂലം പ്രസ്തുത ഓർഡിനൻസ് മാററുന്നതിനുള്ള ഒരു ബിൽ അവതരിപ്പിക്കുന്നതിനും പാസ്സാക്കുന്നതിനും കഴിയാതെ വന്നതിനാലും;

പ്രസ്തുത ഓർഡിനൻസിലെ വ്യവസ്ഥകൾ സജീവമാക്കി നിലനിർത്തുന്നതിനുവേണ്ടി 1983 ഏപ്രിൽ 6-ാം തീയതി കേരള ഗവർണ്ണർ 1983-ലെ സർവ്വകലാശാലാ നിയമങ്ങൾ (ഭേദഗതി) ഓർഡിനൻസ് (1983-ലെ 11) വിളംബരപ്പെടുത്തിയിരുന്നതിനാലും;

1983 ജൂൺ 20-ാം തീയതി ആരംഭിച്ച് 1983 ആഗസ്ററ് 4-ാം തീയതി അവസാനിച്ച കേരള സംസ്ഥാന നിയമസഭയുടെ സമ്മേളനകാലത്ത് നിയമസഭയുടെ ഒരു ആക്ററുമൂലം 1983-ലെ 11-ാം ഓർഡിനൻസ് മാററുന്നതിനുള്ള ഒരു ബിൽ അവതരിപ്പിക്കുന്നതിനും പാസ്സാക്കുന്നതിനും കഴിയാതെ വന്നതിനാലും;

ഇൻഡ്യൻ ഭരണഘടനയുടെ 213-ാം അനുഛേദം (2)-ാം ഖണ്ഡം, (എ) എന്ന ഉപഖണ്ഡ പ്രകാരം, 1983 ആഗസ്ററ് 1-ാം തീയതി) മുതൽ 1983-ലെ 11-ാം ഓർഡിനൻസ് പ്രാബല്യത്തിലില്ലാതായിതീർന്നതിനാലും;

പ്രസ്തുത ഓർഡിനൻസിലെ വ്യവസ്ഥകഠം സജീവമാക്കി നിലനിറുത്തിയില്ലെങ്കിൽ വൈഷമ്യങ്ങഠം ഉണ്ടാകുമെന്നതിനാലും;

കേരള സംസ്ഥാന നിയമസഭ, സമ്മേളനത്തിൽ അല്ലാത്തതിനാലും സത്വര നടപടി സ്വീകരിക്കേണ്ട സാഹചര്യങ്ങഠം നിലവിലുണ്ടെന്ന് കേരള ഗവർണ്ണർക്ക് ബോദ്ധ്യം വന്നിരിക്കുന്നതിനാലും;

ഇപ്പോഠം, അതിനാൽ, ഇൻഡ്യൻ ഭരണഘടന 213-ാം അനുഛേദം (1)-ാം ഖണ്ഡംമൂലം നൽകപ്പെട്ട അധികാരങ്ങഠം വിനിയോഗിച്ച്, കേരള ഗവർണ്ണർ താഴെപ്പറയുന്ന ഓർഡിനൻസ് വിളംബരപ്പെടുത്തുന്നു :—

1. ചുരുക്കപ്പേരും പ്രാരംഭവും.—(1) ഈ ഓർഡിനൻസിന് 1983-ലെ സർവ്വകലാശാല നിയമങ്ങഠം (ഭേദഗതി) ഓർഡിനൻസ് എന്നുപേർ പറയാം.

(2) ഇത് 1982 നവംബർ 18-ാം തീയതി പ്രാബല്യത്തിൽ വന്നതായി കരുതേണ്ടതാണ്.

2. 1974-ലെ 17-ാം ആക്ററും 1975-ലെ 5-ാം ആക്ററും താൽക്കാലികമായി ഭേദഗതി ചെയ്യേണ്ടതാണെന്ന്.—ഈ ഓർഡിനൻസ് പ്രാബല്യത്തിലിരിക്കുന്ന കാലത്ത് 1974-ലെ കേരള സർവ്വകലാശാല ആക്ററിനും (1974-ലെ 17) 1975-ലെ കോഴിക്കോട് സർവ്വകലാശാല ആക്ററിനും (1975-ലെ 5) യഥാക്രമം 3-ാം വകുപ്പിലും 4-ാം വകുപ്പിലും പറഞ്ഞിരിക്കുന്ന ഭേദഗതികഠംക്ക് വിധേയമായി പ്രാബല്യം ഉണ്ടായിരിക്കുന്നതാണ്.

3. 1974-ലെ 17-ാം ആക്ററിന്റെ ഭേദഗതി.—1974-ലെ കേരള സർവ്വകലാശാല ആക്ററ് (1974-ലെ 17) 56-ാം വകുപ്പിൽ,—

(എ) (1)-ാം ഉപവകുപ്പിൽ, "ഏതെങ്കിലും കോളേജ് സർവ്വകലാശാലയിൽ അഫിലിയേററ് ചെയ്യുന്നതിന്" എന്ന വാക്കുകഠംക്കുശേഷം, "അഥവാ അഫിലിയേററ് ചെയ്യപ്പെട്ടിട്ടുള്ള ഏതെങ്കിലും കോളേജിൽ പുതിയ കോഴ്സുകളിൽ അഫിലിയേററ് ചെയ്യുന്നതിന് എന്ന വാക്കുകഠം ചേർക്കേണ്ടതാണ്;

(ബി) (2)-ാം ഉപവകുപ്പിനുപകരം, താഴെപ്പറയുന്ന ഉപവകുപ്പ് ചേർക്കേണ്ടതാണ്, അതായത്:—

"(2) ഒരു കോളേജിന്റെ അഫിലിയേഷന്റെ അല്ലെങ്കിൽ അഫിലിയേററ് ചെയ്ത ഒരു കോളേജിൽ പുതിയ കോഴ്സുകളുടെ അഫിലിയേഷന്റെ നിബന്ധനകളും വ്യവസ്ഥകളും, (1)-ാം ഉപവകുപ്പുപ്രകാരമുള്ള ഒരു അപേക്ഷ ഏത് കാലാവധിയ്ക്കകം സിൻഡിക്കേററ് പരിഗണിക്കണം എന്നതുഠംപ്പെടെ അങ്ങനെയുള്ള അഫിലിയേഷൻ അനുവദിക്കുന്നതിന് സിൻഡിക്കേററ് സ്വീകരിക്കേണ്ട നടപടിക്രമങ്ങളും സ്ററാററ്യൂട്ടുകഠം മൂലം നിർണ്ണയിക്കേണ്ടതാണ്.

എന്നാൽ, വിജ്ഞാപനത്തിൽ പ്രത്യേകം പറയേണ്ട കാരണങ്ങളാൽ ചാൻസലർക്ക്, സിൻഡിക്കേററ് (1)-ാം ഉപവകുപ്പുപ്രകാരമുള്ള അപേക്ഷ പരിഗണിക്കേണ്ട കാലാവധി, ആ കാലാവധി കഴിഞ്ഞുപോയിട്ടുണ്ടെങ്കിലും, അഥവാ ഇല്ലെങ്കിലും അപ്രകാരമുള്ള വിജ്ഞാപനത്തിൽ പറയാവുന്ന ഒരു വർഷത്തിൽ കവിയാത്ത അത്തരം കൂടുതൽ കാലത്തേക്ക് ഗസററ് വിജ്ഞാപനം വഴി നീട്ടി കൊടുക്കാവുന്നതാണ്."

4. 1975-ലെ 5-ാം ആക്ററിന്റെ ഭേദഗതി.—1975-ലെ കോഴിക്കോട് സർവ്വകലാശാല ആക്ററ്, (1975-ലെ 5) 56-ാം വകുപ്പിൽ,—

(എ) (1)-ാം ഉപവകുപ്പിൽ, "ഏതെങ്കിലും കോളേജ് സർവ്വകലാശാലയിൽ അഫിലിയേററു ചെയ്യുന്നതിന്" എന്ന വാക്കുകൾക്കുശേഷം, "അഥവാ അഫിലിയേററു ചെയ്യപ്പെട്ടിട്ടുള്ള ഏതെങ്കിലും കോളേജിൽ പുതിയ കോഴ്സുകളിൽ അഫിലിയേററു ചെയ്യുന്നതിന്" എന്ന വാക്കുകൾ ചേർക്കേണ്ടതാണ്;

(ബി) (2)-ാം ഉപവകുപ്പിനുപകരം, താഴെപ്പറയുന്ന ഉപവകുപ്പ് ചേർക്കേണ്ടതാണ്; അതായത്:—

"(2) ഒരു കോളേജിന്റെ അഫിലിയേഷന്റെ അഥവാ അഫിലിയേററ് ചെയ്ത ഒരു കോളേജിൽ പുതിയ കോഴ്സുകളുടെ അഫിലിയേഷന്റെ നിബന്ധനകളും വ്യവസ്ഥകളും, (1)-ാം ഉപവകുപ്പുപ്രകാരമുള്ള ഒരു അപേക്ഷ ഏതു കാലാവധിക്കകം സിൻഡിക്കേററ് പരിഗണിക്കണം എന്നതുൾപ്പെടെ അത്തരത്തിലുള്ള അഫിലിയേഷൻ അനുവദിക്കുന്നതിന്, സിൻഡിക്കേററ് സ്വീകരിക്കേണ്ട നടപടിക്രമങ്ങളും സ്ററാററ്യൂട്ടുകൾമൂലം നിർണ്ണയിക്കേണ്ടതാണ്:

എന്നാൽ, വിജ്ഞാപനത്തിൽ പ്രത്യേകം പറയേണ്ട കാരണങ്ങളാൽ, ചാൻസലർക്ക് സിൻഡിക്കേററ് (1)-ാം ഉപവകുപ്പുപ്രകാരമുള്ള ഏതെങ്കിലും അപേക്ഷ പരിഗണിക്കേണ്ട കാലാവധി, ആ കാലാവധി കഴിഞ്ഞുപോയിട്ടുണ്ടെങ്കിലും അഥവാ ഇല്ലെങ്കിലും അപ്രകാരമുള്ള വിജ്ഞാപനത്തിൽ പറയാവുന്ന ഒരു വർഷത്തിൽ കവിയാത്ത അത്തരം കൂടുതൽ കാലത്തേക്ക് ഗസററിൽ വിജ്ഞാപനംവഴി നീട്ടികൊടുക്കാവുന്നതാണ്."

5. ഒഴിവാക്കൽ.—1983-ലെ സർവ്വകലാശാല നിയമങ്ങൾ (ഭേദഗതി) ഓർഡിനൻസിലെ (1983-ലെ 11) (ഇതിനുശേഷം പ്രസ്തുത ഓർഡിനൻസ് എന്നാണ് പരാമർശിക്കപ്പെടുക) പ്രാബല്യത്തിലില്ലെങ്കിൽതന്നെയും,—

(എ) പ്രസ്തുത ഓർഡിനൻസ്മൂലം ഭേദഗതി ചെയ്തപ്രകാരമുള്ള 1974-ലെ കേരള സർവ്വകലാശാല ആക്ററ് (1974-ലെ 17) പ്രകാരമോ 1975-ലെ കോഴിക്കോട് സർവ്വകലാശാലാ ആക്ററ് (1975-ലെ 5) പ്രകാരമോ ചെയ്തതോ ചെയ്തതായി കരുതപ്പെടുന്നതോ ആയ ഏതെങ്കിലും കാര്യമോ അല്ലെങ്കിൽ എടുത്തതോ എടുത്തതായി കരുതപ്പെടുന്നതോ ആയ ഏതെങ്കിലും നടപടിയോ അതതു സംഗതിപോലെ ഈ ഓർഡിനൻസുമൂലം ഭേദഗതി ചെയ്തപ്രകാരമുള്ള 1974-ലെ കേരള സർവ്വകലാശാല ആക്ററ് പ്രകാരമോ, 1975-ലെ കോഴിക്കോട് സർവ്വകലാശാലാ ആക്ററു പ്രകാരമോ ചെയ്തതായോ എടുത്തതായോ കരുതേണ്ടതാണ്;

(ബി) പ്രസ്തുത ഓർഡിനൻസിന്റെ പ്രാബല്യം നഷ്ടപ്പെടാതിരുന്നുവെങ്കിൽ പ്രസ്തുത ഓർഡിനൻസുമൂലം ഭേദഗതി ചെയ്തപ്രകാരമുള്ള 1974-ലെ കേരള സർവ്വകലാശാല ആക്ററ് (1974-ലെ 17) പ്രകാരമോ, 1975-ലെ കോഴിക്കോട് സർവ്വകലാശാലാ ആക്ററ് (1975-ലെ 5) പ്രകാരമോ ചെയ്യാനോ എടുക്കാനോ കഴിയുമായിരുന്നതും, പ്രസ്തുത ഓർഡിനൻസ് പ്രാബല്യത്തി

ലില്ലാതായതിനുശേഷവും ഈ ഓർഡിനൻസ് ഗസററിൽ പ്രസിദ്ധീകരിക്കുന്ന തീയതിക്ക് മുൻപും ചെയ്ത ഏതെങ്കിലും സംഗതിയോ എടുത്ത ഏതെങ്കിലും നടപടിയോ അതതു സംഗതിപോലെ ഈ ഓർഡിനൻസുമൂലം ഭേദഗതി ചെയ്ത പ്രകാരമുള്ള 1974-ലെ കേരള സർവ്വകലാശാലാ ആക്ററ് പ്രകാരമോ 1975-ലെ കോഴിക്കോട് സർവ്വകലാശാലാ ആക്ററ് പ്രകാരമോ ചെയ്തതായോ എടുത്തതായോ കരുതേണ്ടതാണ്.

പി. രാമചന്ദ്രൻ,
ഗവർണ്ണർ.

(ശരിത്തർജ്ജമ)

എസ്. ശ്രീധരൻ നാടാർ,
അഡീഷണൽ ഹെഡ്ട്രാൻസ്ലേറ്റർ.

കേരള സർക്കാർ

നിയമ (നിയമ നിർമ്മാണ-ബി) വകുപ്പ്

വിജ്ഞാപനം

നമ്പർ 19442/ലെഗ്. ബി1/83/ലം. തിരുവനന്തപുരം, 1984 ജനുവരി 6/ 1905 പൗഷം, 16.

1984 ജനുവരി 5-ാം തീയതി ഗവർണ്ണർ വിളംബരപ്പെടുത്തിയ താഴെ പറയുന്ന ഓർഡിനൻസ്, പൊതുജനങ്ങളുടെ അറിവിനായി ഇതിനാൽ പ്രസിദ്ധപ്പെടുത്തുന്നു.

ഗവർണ്ണറുടെ ഉത്തരവുപ്രകാരം,
പി. പി. മത്തായി,
നിയമ വകുപ്പു സ്പെഷ്യൽ സെക്രട്ടറി.

1984-ലെ 6-ാം നമ്പർ ഓർഡിനൻസ്

1984-ലെ ജലസേചന നിയമങ്ങൾ (ഭേദഗതി) ഓർഡിനൻസ്

ഇൻഡ്യൻ റിപ്പബ്ലിക്കിന്റെ മുപ്പത്തിനാലാം സംവൽസരത്തിൽ കേരള ഗവർണ്ണർ വിളംബരപ്പെടുത്തിയത്.

1865-ലെ മദിരാശി ജലസേചനവരി ആക്റ്റും 1947-ലെ മലബാർ ജലസേചനപ്പണികൾ (നിർമ്മാണവും വരി ചുമത്തലും) ആക്റ്റും വീണ്ടും ഭേദഗതി ചെയ്യുന്നതിനുള്ള ഒരു ഓർഡിനൻസ്.

പീഠിക.—1983 സെപ്റ്റംബർ 23-ാം തീയതി കേരള ഗവർണ്ണർ വിളംബരപ്പെടുത്തിയ 1983-ലെ ജലസേചന നിയമങ്ങൾ (ഭേദഗതി) ഓർഡിനൻസിന് (1983-ലെ 33) ഇൻഡ്യൻ ഭരണഘടന 213-ാം അനുച്ഛേദം (2)-ാം ഖണ്ഡം (എ) ഉപഖണ്ഡപ്രകാരം 1984 ജനുവരി 6-ാം തീയതി പ്രാബല്യമില്ലാതായി ത്തീരുമെന്നതിനാലും ;

നിയമസഭയുടെ ഒരു ആക്റ്റുമൂലം പ്രസ്തുത ഓർഡിനൻസിനു പകരം വയ്ക്കുന്നതിനുള്ള ഒരു ബിൽ 1983 നവംബർ 25-ാം തീയതി ആരംഭിച്ച് 1983 ഡിസംബർ 20-ാം തീയതി അവസാനിച്ച നിയമസഭാ സമ്മേളനത്തിൽ അവതരിപ്പിക്കുന്നതിനും പാസ്സാക്കുന്നതിനും കേരള സംസ്ഥാന നിയമസഭയ്ക്ക് കഴിയാതിരുന്നതിനാലും ;

പ്രസ്തുത ഓർഡിനൻസിലെ വ്യവസ്ഥകൾ നിലനിറുത്താതിരിക്കുന്ന പക്ഷം വൈഷമ്യങ്ങൾ ഉണ്ടാകുമെന്നതിനാലും ;

കേരള നിയമസഭ സമ്മേളനത്തിലല്ലാതിരിക്കുന്നതിനാലും, സത്വര നടപടി യെടുക്കേണ്ട സാഹചര്യങ്ങൾ നിലവിലുണ്ടെന്ന് കേരള ഗവർണ്ണർക്ക് ബോദ്ധ്യം വന്നിരിക്കുന്നതിനാലും ;

ഇപ്പോൾ, അതിനാൽ, ഇന്ത്യൻ ഭരണഘടനയുടെ 213-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡംമൂലം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് കേരള ഗവർണ്ണർ താഴെപ്പറയുന്ന ഓർഡിനൻസ് വിളംബരപ്പെടുത്തുന്നു :—

1. ചുരുക്കപ്പേരും പ്രാരംഭവും.—(1) ഈ ഓർഡിനൻസിന് 1984-ലെ ജലസേചന നിയമങ്ങൾ (ഭേദഗതി) ഓർഡിനൻസ് എന്നു പേർ പറയാം.

(2) ഇത് 1983 സെപ്റ്റംബർ 24-ാം തീയതി പ്രാബല്യത്തിൽ വന്നതായി കരുതേണ്ടതാണ്.

2. 1865-ലെ VII-ാം മദിരാശി ആക്റ്റും 1947-ലെ VII-ാം മദിരാശി ആക്റ്റും താൽക്കാലികമായി ഭേദഗതി ചെയ്യണമെന്ന്.—ഈ ഓർഡിനൻസിന് പ്രാബല്യമുള്ള കാലത്ത്, 1956-ലെ സംസ്ഥാന പുനഃസംഘടന ആക്റ്റിലെ (1956-ലെ 37-ാം കേന്ദ്ര ആക്റ്റ്) 5-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പിൽ പരാമർശിക്കപ്പെട്ടിട്ടുള്ള മലബാർ ജില്ലയിൽ പ്രാബല്യത്തിലിരിക്കുന്ന പ്രകാരമുള്ള 1865-ലെ മദിരാശി ജലസേചനവരി ആക്റ്റിനും (1865-ലെ VII-ാം മദിരാശി ആക്റ്റ്) 1947-ലെ മലബാർ ജലസേചനപ്പണികൾ (നിർമ്മാണവും വരി ചുമത്തലും) ആക്റ്റിനും യഥാക്രമം 3-ം 4-ം വകുപ്പുകളിൽ പറഞ്ഞിരിക്കുന്ന ഭേദഗതികൾക്ക് വിധേയമായി പ്രാബല്യമുണ്ടായിരിക്കുന്നതാണ്.

3. 1865-ലെ VII-ാം മദിരാശി ആക്റ്റിന്റെ ഭേദഗതി.—1865-ലെ മദിരാശി ജലസേചനവരി ആക്റ്റ് (1865-ലെ VII-ാം മദിരാശി ആക്റ്റ്) 2-ാം വകുപ്പിന് ആ വകുപ്പിന്റെ (1)-ാം ഉപവകുപ്പായി വീണ്ടും നമ്പർ കൊടുക്കേണ്ടതും.—

(എ) അപ്രകാരം വീണ്ടും നമ്പർ കൊടുത്ത (1)-ാം ഉപവകുപ്പിൽ, "ഈ ആക്റ്റ് പ്രകാരം നൽകേണ്ട വെള്ളക്കരം" എന്ന വാക്കുകൾക്കു ശേഷം "അതിൻമേൽ നൽകേണ്ടതായ പലിശയോടുകൂടി" എന്ന വാക്കുകൾ ചേർക്കേണ്ടതാണ് ;

(ബി) അപ്രകാരം വീണ്ടും നമ്പർ കൊടുത്ത (1)-ാം ഉപവകുപ്പിനു ശേഷം, താഴെപ്പറയുന്ന ഉപവകുപ്പു ചേർക്കേണ്ടതാണ്, അതായത്:—

"(2) ഈ ആക്റ്റ് പ്രകാരം നൽകേണ്ട വെള്ളക്കരക്കുടിശ്ശികയ്ക്ക് വർഷത്തിൽ നാലു ശതമാനം നിരക്കിൽ പലിശ ഉണ്ടായിരിക്കുന്നതാണ്."

4. 1947-ലെ VII-ാം മദിരാശി ആക്റ്റിന്റെ ഭേദഗതി.—1947-ലെ മലബാർ ജലസേചനപ്പണികൾ (നിർമ്മാണവും വരി ചുമത്തലും) ആക്റ്റ് (1947-ലെ VII-ാം മദിരാശി ആക്റ്റ്) 13-ാം വകുപ്പിന് ആ വകുപ്പിന്റെ (1)-ാം ഉപവകുപ്പായി വീണ്ടും നമ്പർ കൊടുക്കേണ്ടതും—

(എ) അപ്രകാരം വീണ്ടും നമ്പർ കൊടുത്ത (1)-ാം ഉപവകുപ്പിൽ "ഈ ആക്റ്റ് പ്രകാരം ഏതെങ്കിലും ആൾ നൽകേണ്ട വെള്ളക്കരവും" എന്ന വാക്കുകൾക്ക് ശേഷം "അതിൻമേലുള്ള പലിശയും" എന്ന വാക്കുകൾ ചേർക്കേണ്ടതാണ് ;

(ബി) അപ്രകാരം വീണ്ടും നമ്പർ കൊടുത്ത (1)-ാം ഉപവകുപ്പിനു ശേഷം താഴെപ്പറയുന്ന ഉപവകുപ്പ് ചേർക്കേണ്ടതാണ്, അതായത് :—

"(2) ഈ ആക്റ്റ് പ്രകാരം നൽകപ്പെടേണ്ട വെള്ളക്കരക്കുടിശ്ശികയ്ക്കു വർഷത്തിൽ നാലു ശതമാനം നിരക്കിൽ പലിശ ഉണ്ടായിരിക്കുന്നതാണ്."

5. റദ്ദാക്കലും ഒഴിവാക്കലും.—(1) 1983-ലെ ജലസേചന നിയമങ്ങൾ (ഭേദഗതി) ഓർഡിനൻസ് (1983-ലെ 33) ഇതിനാൽ റദ്ദാക്കിയിരിക്കുന്നു.

(2) അങ്ങനെ റദ്ദാക്കിയിരുന്നാൽകൂടി, പ്രസ്തുത ഓർഡിനൻസു മൂല ഭേദഗതി ചെയ്ത പ്രകാരമുള്ള 1865-ലെ മദിരാശി ജലസേചനവരി ആക്ററ് (1865-ലെ VII-ാം മദിരാശി ആക്ററ്) പ്രകാരമോ അല്ലെങ്കിൽ 1947-ലെ മലബാർ ജലസേചനപ്പണികൾ (നിർമ്മാണവും വരി ചുമത്തലും) ആക്ററ് (1947-ലെ VII-ാം മദിരാശി ആക്ററ്) പ്രകാരമോ ചെയ്ത ഏതെങ്കിലും കാര്യമോ എടുത്ത ഏതെങ്കിലും നടപടിയോ, അതത് സംഗതിപോലെ ഈ ഓർഡിനൻസുമൂലം ഭേദഗതി ചെയ്തപ്രകാരമുള്ള 1865-ലെ മദിരാശി ജലസേചന വരി ആക്ററ് പ്രകാരമോ അല്ലെങ്കിൽ 1947-ലെ മലബാർ ജലസേചനപ്പണികൾ (നിർമ്മാണവും വരി ചുമത്തലും) ആക്ററ് പ്രകാരമോ ചെയ്തിട്ടുള്ളതായോ എടുത്തിട്ടുള്ളതായോ കരുതേണ്ടതാണ്.

പി. രാമചന്ദ്രൻ,
ഗവർണ്ണർ.

(ശരിത്തർജ്ജമ)

എ. പി. പെരുമാൾ,
നിയമവകുപ്പു അഡീഷണൽ സെക്രട്ടറി.

GOVERNMENT OF KERALA

Taxes (B) Department

NOTIFICATION

G. O. Ms. 8/84/TD. *Dated, Trivandrum, 16th January* 1984.

S.R.O.No. 380/84.—In exercise of the powers conferred by section 10 of the Kerala General Salestax Act, 1963 (15 of 1963), the Government of Kerala, having considered it necessary in the public interest so to do, hereby make an exemption in respect of the tax payable under the said Act on the sale of one Ambulance Van by M/s Hindustan Engineering Company (Sales), Calicut, to the Jaycees, Kuthuparamba.

By order of the Governor,

U. MAHABALA RAO,

Commissioner & Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate the general purport).

The President, Jaycees, Kuthuparamba requested Government to grant exemption from levy of Salestax on the purchase of one Ambulance Van for the benefit of the Public of that locality. Government consider that the request deserves favourable consideration in the interest of the Public. Hence Government desire that the sale of one Ambulance Van by M/s. Hindustan Engineering Company (Sales) Calicut, to Jaycees, Kuthuparamba should be exempted from Sales Tax. The notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Taxes (E) Department

NOTIFICATION

G. O. MS. No. 45/84/TD. *Dated, Trivandrum, 13th March* 1984.

S.R.O. No. 381/84.—In exercise of the powers conferred by section 5 of the Registration Act 1908 (Central Act 16 of 1908) the Government of Kerala hereby make the following amendments to their Notification No. G. O. (MS) No. 29/78/TD dated the 8th March, 1978 published as SRO. No. 646/78 at pages 1 to 102 of section iv of Part I of the Kerala Gazette. No. 27 dated, the 4th July, 1978, as subsequently amended, namely :—

AMENDMENTS

In the Schedule to the said Notification, in the entries ralating to Cannanore Registration District,

(a) for item "6 Hosdurg" in column (2) and the entries against it in columns (3) and (4), the following item and entries shall be substituted, namely :—

"6. Hosdurg.	Hosdurg	Ajanur
	do.	Bella
	do.	Chittari
	do.	Hosdurg
	do.	Kanhangad
	do.	Kikken
	do..	Madikkai
	do.	Periya
	do.	Pullur".

(b) for item "7A Balal" in column (2) and the entries against it in colums (3) and (4), the following item and entries shall be substituted, namely :—

"7A Balal	Hosdurg	Panathady
	do.	Belur
	do.	Kodoth
	do.	Maloth
	do.	West Eleri
	do.	East Eleri
	do.	Kinanur".

These amendments shall come into force with effect from the first day of April, 1984.

By order of the Governor,
U. MAHABALA RAO,
Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification but is intended to indicate the general purport).

Government have been receiving many representation requesting for the realignment of the villages Panathady, Belur and Kodoth to the Sub Registry Office, Balal. As much difficulties are being experienced by the Registering Public of these localities Government propose to change the jurisdiction of the Sub Registry Offices Balal and Hosdurg. This notification is intended to achieve the above object.

Kerala Gazette No. 16 dated 17th April 1984.
PART I **Section Iv**

GOVERNMENT OF KERALA

Water and Power (Electricity-A) Department

NOTIFICATION

No. 7756/ELA2/84/W&P. *Dated, Trivandrum,* 22*nd March* 1984.

S. R. O. No. 382/84.—In exercise of the powers conferred by section 16 of the Electricity (Supply) Act, 1948 (Central Act 54 of 1948), the Government of Kerala hereby make the following amendments to the Notification No. G. O. Rt. 545/83/W&P dated the 30th November, 1983, published as S. R. O. No. 12/84 in Part I of the Kerala Gazette No. 1 dated the 3rd January, 1984, namely:—

AMENDMENT

In the schedule to the said Notification for the entries in column (3) against serial No. 2 "Local self Government" the following entries shall be substituted, namely:—

"2. Chairman, Municipal Council, Chengannoor."

By order of the Governor,
G. GOPALAKRISHNA PILLAI,
Secretary to Government.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

In the Notification No. G. O. Rt. 545/83/W&P dated 30-11-1983 Government have reconstituted the Kerala State Electricity Board Consultative Council with 15 members for a period of two years from the date of publication of the notification. In the notification under column (3) representing respective interests under Local Self Government Shri. James Kylath, Municipal Chairman, Chengannoor was also included. It was with the intention that the Municipal Chairman Chengannoor be given representation in the Committee by virtue of office and not by name. Consequent on the relinquishment of Shri. James Kylath from the Chairmanship, Government have decided to delete the name of Chairman, Chengannoor Municipality hereafter. This notification is to achieve the above object.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (C) Department

NOTIFICATION

G.O. Rt. 200/84/TF&P. *Dated, Trivandrum,* 17*th March* 1984.

S. R. O. No.383/84.—In exercise of the powers conferred by Section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976) the Government of Kerala being satisfied that it is necessary in the public interest so to do hereby make the following further amendment to Notification No. 33942/TC2/75-7/PW. dated the 29th September, 1975 published as S.R.O. No. 878/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975, namely:—

AMENDMENT

In the said Notification, in item 6 after the words "any public undertakings" the words "or Voluntary Organisations or Charitable Institutions" shall be added.

By order of the Governor,

V. A. AUGUSTINE,

Additional Secretary to Government.

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purport.)

Government have exempted from payment of tax, ambulances solely used for the transport of patients or for the conveyance of dead bodies to or from any hospital, clinic or dispensary and belonging to local bodies or medical institutions or any public undertakings. It is decided to include the ambulances belonging to Voluntary Organisations and Charitable Institutions also to become eligible for tax exemption. The Notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Higher Education (E) Department

NOTIFIGATION

G. O. MS. No. 60/84/H. Edn. *Dated, Trivandrum, 26th March* 1984.

S.R.O. No. 384/84.—In exercise of the powers conferred by sub-section (1) of section 4 of the Gharitable Endowments Act, 1890 (Gentral Act 6 of 1890), the Government of Kerala hereby order that the property specified in column (2) of the Schedule appended herewith belonging to the Endowment mentioned in column (1) thereof, shall be vested with the Treasurer of Gharitable Endowments, Kerala, and under subsections (1) and (3) of section 5 of the said Act, the Government of Kerala hereby settle the following Scheme for the administration of the said property, the same having been previously published under rule 3 of the Charitable Endowments (Kerala) Rules, 1966, in Part I of the Kerala Gazette No. 45 dated the 15th November 1983, and appoint the date of publication of this notification to be the date on which the said scheme shall come into operation, namely:—

Scheme

1. Tbis Endowment may be called "Achuthankutty Menon Endowment Fund".
2. The Gorpus of the Endowment shall consist of Rs. 1,500 (Rupees one tbousand and five hundred only), and shall be vested with Treasurer of Gharitable Endowments, Kerala.
3. The Gorpus of tbe Endowment shall be invested in any long term securities of the Government of India or the Government of Kerala or in any of the securities approved by the Government of Kerala.
4. The Headmaster/Headmistress, Government High School, Alathur, Palghat District shall be the Administrator of the fund.
5. The Annual interest accruing on the fund shall be utilised during the succeeding year for awarding Scholarship.
6. (a) The scholarship shall be awarded to a student in Standard VIII for the first time and shall be continued to the same student in standard IX and X in the succeeding years provided that the

student does not fail in the annual examination of Standard VIII or IX or discontinue her studies. In such cases the scholarship shall be awarded to a fresh student in Standard VIII.

(b) The pupil shall be selected on the basis of the marks obtained at the annual examination of standard VII and shall be too poor to continuc her studies without outside help. If necessary, the certificate of the annual income of the parents of the pupil from the concerned village officer may be obtained.

(c) The student selected shall be a Hindu Nair Girl.

(d) The selection shall be made before the 15th June, or after announcing the result of the annual examination of Standard VII whichever is earlier, by a committee consisting of the Head of the school, senior most lady teacher in the school and the president of the Parent Teacher Association if such an association is available.

7. The scholaship amount shall not be awarded in cash. But shall be utilised for the payment of fees, if any, by the student, for the purchase of Note Books or Text Books and purchase of school uniform or dress for the student and the balance, if any, shall be disbursed in cash to the student.

8. Text Books and cloths shall be presented to the pupil in a Public fuction arranged by the school authorities and at any rate shall be awarded within one month after the commencement of the academic year.

9. So long as the donor is alive, he shall be invited for the award of scholarship. After his demise any member of his family shall be invited but their absence or inconvenience need not be a cause for delay to the disbursement of scholarship. It is enough if intimation is given to any available member of his family.

10. Requisition for payment of annual interest shall be sent by the Administrator at any time not later than two months prior to the date fixed for the award of scholarship and the Treasurer of Charitable Endowments shall thereupon arrange to place the annual interest at the disposal of the Administrator.

11. If the interest is not utilised as provided in clause 5 or if the scholarship is not awarded owing to the non-availability of a suitable student or for any other reason or any balance is left after awarding the scholarship such amount shall be added on to the corpus of the fund by the Treasurer of Charitable Endowments.

12. If any doubt or dispute arises regarding the meaning or interpretation of the Scheme, it shall be referred to the Director of Public Instruction whose decision thereon shall be final.

SCHEDULE

Name of Endowment	*Details of Property*
(1)	(2)
"Achuthan Kutty Menon Endowment Fund"	Rs. 1,500 (Rupees One thousand & five hundred only)

By order of the Governor,

A. RAMASWAMY PILLAI,

Joint Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

Shri V.P. Achuthankutty Menon, B.A., B.T. Retired Headmaster, Palpetta House, P. O. Vadakkencherry has forwarded a Scheme for instituting an Endowment in his name in the Government Girls High School, Alathur, Palghat. A preliminary notification regarding this has been published in the Gazette dated the 15th November, 1983. Now Government have accepted the Endowment for institution and hence this notification.

Kerala Gazette No. 16 dated 17th April 1984.
PART I

Section iv

GOVERNMENT OF KERALA

General Administration (Rules) Department

NOTIFICATION

G.O.(P) No. 91/84/GAD. *Dated, Trivandrum,* 22*nd March* 1984.

S. R. O. No.38/784.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

RULES

1. *Short title and Commencement.*—(a) These Rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1984.

(b) They shall be deemed to have come into force with effect on and from the 18th January, 1982.

2. *Amendment of the Rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, in rule 4, for the first proviso, the following proviso shall be substituted, namely:—

"Provided that a candidate belonging to any of the Scheduled Castes or Scheduled Tribes may make his application in a Form inscribed with the words 'To be supplied free of cost to Scheduled Caste and Scheduled Tribe candidates only,".

By order of the Governor,

M. DANDAPANI,

Commissioner and Secretory to Government.

Explanatory Note

(This note does not form part of the notification, but is intended to indicate its general purport.)

As per the existing proviso to the General Rule 4 persons in Government Service belonging to Scheduled Castes/Scheduled Tribes have to make application for other employment in a form with one-fourth the

amount of the prescribed fee embossed thereon. In G. O. (MS) No. 16/82/GAD dated 18-1-1982 Government ordered that the Scheduled Castes and Scheduled Tribes candidates having employment either under Government or in any Public or Private Undertakings also will be supplied with Public Service Commission forms free of cost for applying for the posts for which they are qualified. Government propose to amend General Rule 4 so as to give statutory validity to the above orders. This notification is intended to achieve the above object.

To

All Heads of Departments and Offices
All Departments of the Secretariat (All Sections)
The Secretary, Kerala Public Service Commission (with C.L.)
The Registrar, University of Kerala, Trivandrum (with C.L.)
The Registrar, Gandhiji University, Kottayam (with C.L.)
The Registrar, University of Cochin, Cochin (with C.L.)
The Registrar, University of Calicut, Calicut (with C.L.)
The Registrar, Kerala Agricultural University, Trichur (with C. L.)
The Registrar, High Court of Kerala, Ernakulam (with C. L.)
The General Manager, Kerala State Road Transport Corporation, Trivandrum. (with C.L.)
The Secretary, Kerala State Electricity Board, Trivandrum (with C.L.)
The Accountant General, Trivandrum
All Commissioner & Secretaries, Secretaries, Special Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries, Under Secretaries to Government.
The Secretary to Governor.
The Private Secretaries to Chief Minister, Deputy Chief Minister and other Ministers
The General Administration (Services—D)/ (Services—B)/ (S. C.) Departments.
The Under Secretary to Chief Secretary
All Recognised Service Associations.

Kerala Gazette No. 16 dated 17th April 1984.
PART I **Section iv**

GOVERNMENT OF KERALA

General Administration (Services D) Department

NOTIFICATION

G.O. (MS) No. 87/84/GAD. *Dated, Trivandrum, 20th March* 1984.

S.R.O. No. 388/84.—In exercise of the powers conferred by section 4 of the Kerala Public Service Commission (Additional Functions as respects certain Corporations and Companies) Act, 1970 (19 of 1970), the Government of Kerala hereby make the following rules further to amend the Kerala Public Service Commission (Consultation by Corporations and Companies) Rules, 1971 issued in G.O.MS.No.129/71/PD dated the 11th May, 1971 and Published as S. R. O. No. 145/71 in the Kerala Gazette extraordinary No. 245 dated the 11th May, 1971, namely:—

RULES

1. *Short title and Commencement*—(1) These rules may be called the Kerala Public Service Commission (Consultation by Corporations and Companies) Amendment Rules, 1983.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Kerala Public Service Commission (Consultation by Corporations and Companies) Rules, 1971, in rule 2A, for the existing provisos the following provisos shall be substituted; namely:—

"Provided that it shall not be necessary to consult the Commission regarding the appointment of a person temporarily for a total period not exceeding 180 days in the case of each individual to a post in a Corporation/Government Company to which appointment has to be made on the advice of the Commission.

Provided further that, no appointment shall be made as above without first reporting the vacancy to the Commission for regular appoi ntment".

By order of the Governor,

M. DANDAPANI,

Commissioner and Secretary to Government

Explanatory Note

(This note is not part of the amendment, but is intended to indicate its general purport).

According to the existing rules the concurrence of the Commission shall be obtained for the continuance of the temporary appointment of a person beyond three months and a second concurrence of the Commission shall be obtained if it becomes essential to continue such appointment beyond six months. As far as the Government departments are concerned the time limit of temporary appointment has since been enhanced from 3 months to 180 days. It is therefore proposed to amend the Kerala Public Service Commission (Consultation by Corporations and Companies) Rules, 1971 also so as to enhance the existing term of temporary appointments in the Government Companies, Corporations etc., from 3 months to 180 days.

The Notification is intended to achieve the above object.

To

The Commissioner for Public Enterprises.
The Chief Executives of all Corporations/Government Companies.
The General Manager, K. S. R. T. C. Trivandrum.
The Secretary, Kerala State Electricity Board, Trivandrum.
All Departments of the Secretariat including Finance. (All Sections).

Kerala Gazette No. 16 dated 17th April 1984.
PART I **Section Iv**

GOVERNMENT OF KERALA

Labour (E) Department

NOTIFICATION

G. O. Rt. No. 478/84/LBR. *Dated, Trivandrum, 4th April* 1984.

S. R. O. No. 389/84.—Whereas the Government of Kerala are satisfied that public interest so requires that the opening time of Padma Air conditioned Movie House, Ernakulam should be fixed as 12½ noon, for the purpose of conducting noon shows;

Now, therefore, in exercise of the powers conferred by subsection (2) of section 10 of the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960), the Government of Kerala hereby order that for a period of three months from the date of this notification, the said Movie House shall not be opened earlier than 9 a. m. on Saturdays, Sundays and public holidays which fall on other days of the weeks and 12½ noon on all other days, or closed on any day later than 2 a. m.

By order of the Governor,

U. Mahabala Rao,
Commissioner & Secretary to Government.

Explanatery Note

(This does not form part of the notification, but is intended to indicate its general purport).

The provisions of the Kerala Shops and Gommercial Establishments Act, 1960 (34 of 1960) are applicable to the Ginema Theatres in this State. M/S. Saraswath Films, Ernakulam have requested Government to issue orders permitting them to conduct noon shows from 12 noon in Padma Air conditioned Movie House, Ernakulam under their management. Government consider that the request may be allowed for a period of three months. This notification is to achieve the above object.

GOVERNMENT OF KERALA

Labour (F) Department

NOTIFICATION

G. O. (Rt.) No. 88/84/LBR. *Dated, Trivandrum, 20th January* 1984.

S.R.O.No. 390/84.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (Central Act 34 of 1948), read with section 91-A thereof, the Government of Kerala in consultation with the Employees' State Insurance Corporation hereby exempt the Aduthila Weavers' Co-operative P. & S. Society LimitedNo. H. 204, P. O. Payangadi, Cannanore District from the operation of the provisions of the said Act for a period of one year from the 31st day of May 1978 subject to the following conditions, namely:—

1. The society shall maintain a register showing the names and designations of its employees ;

2. Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates ;

3. The contribution for the exempted period, if already paid, shall not be refunded ;

4. The society shall submit in respect of the period during which it was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950 ;

5. Any Inspector appointed by the Corporation under subsection (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—

(i) verifying the particulars contained in any return submitted under subsection (1) of section 44 of the said Act; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to the benefits provided by the employer in cash and kind being benefits in considerations of which exemption is being granted under this notification ; or

(iv) ascertaining whether any of the provisions of the said Act had been complied with during the period when such provisions were in force in relation to the said society be empowered to—

(a) require the society to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by the said society at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such documents, books and other documents, relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the officers of the society servants, of the said society or any person found in such factory establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from any register, account book or other documents maintained in such society office or other premises of the said society.

By order of the Governor,
U. MAHABALA RAO,
Commissioner & Secretary to Government.
(Labour and Taxes)

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

The President, Aduthila Weavers Co-operative P&S. Society Ltd. No. H. 204, Payangadi has requested government to exempt the society from the coverage of ESI Act. After consulting the Regional Director, Employees State Insurance Corporation, the matter was placed before the 35th Regional Board meeting. The Regional Board recommended that the said society may be exempted from the coverage of ESI Act. Government accepted this recommendation and decided to exempt the society from the coverage of ESI Act for a period of one year from 31-5-1978. This notification is intended to achieve the above purpose.

Government of Kerala
1984

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIX] Trivandrum, Tuesday, 17th April 1984 / 28th Chaithra 1906 [No. 345

GOVERNMENT OF KERALA

Home (SS.A) Department

NOTIFICATION

No. 49278/SSA1/83/Home. *Dated, Trivandrum, 17th April,* 1984.

S. R. O. No. 392/84.—In exercise of the powers conferred by clause (a) of section 5 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (Central Act 52 of 1974), the Government of Kerala hereby make the following Order further to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Kerala Conditions of Detention) Order, 1975, issued under Notification No. 13507/SS1/75/Home dated the 7th June, 1975, and published as S.R.O. No. 477/75 in the Kerala Gazette Extraordinary dated the 7th June, 1975 namely:—

ORDER

1. *Short title and commencement.*—(1) This Order may be called the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Kerala Conditions of Detention) Amendment Order, 1984.

(2) They shall come into force atonce.

2. *Amendment of the Order.*—In the Conservation of the Foreign Exchange and Prevention of Smuggling Activities (Kerala Conditions of Detention) Order, 1975, in clause 15,—

(i) for the marginal heading "*Interviews*" the following shall be substituted, namely:—

"*Interviews, Photographs and Finger Prints*"

(ii) after sub-clause (5) the following sub-clause shall be inserted, namely:—

"(6) The Additional Collector of Customs or a nominee of the Customs Department or a Police Officer duly authorised by the Collector of Customs/Director General of Police in this behalf, may take photographs, register the finger prints and take specimens of the signature and hand writing of a security prisoner".

By order of the Governor,

N. KALEESWARAN,
Commissioner and Secretary to Government.

Explanatory Note

At present there is no specific provision for taking the photographs, finger prints of detenus detained under the Conservation of Foreign Exchange and Prevention of Smuggling Activities condition of detention order. Government of India has pointed out that many state Governments have incorporated specific provisions for the said purpose and therefore necessary provision may beincorporated in their order issued under section 5 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act. The Notification is intended to achieve the above object.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

©
Government of Kerala
1984

Reg. No. KL/IV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIX] Trivandrum, Tuesday, 17th April 1984 / 28th Chaithra 1906 (Saka) [No. 344

I

NOTIFICATION

Under Section 13 of Kerala Survey and Boundaries Act, 1961

No. B1-326/82. *9th April* 1984.

1. It is hereby notified under section 13 of the Kerala Survey and Boundaries Act, 1961 (Act 37 of 1961) that the survey of the undermentioned areas is now complete.

2. Unless the survey hereby notified is modified by a decree of a Civil Court under the provisions of section 14 of the said Act, the records of the survey shall be conclusive proof that the boundaries determined and recorded therein have been correctly determined and recorded.

Particulars of the Area

Taluk—Mukundapuram. Village—Aloor.

Field Nos. completed—Sy. No.—418/5-6, 419/2-5 and 425/2-4.

II

NOTICE

Under Section 9 (5) of the Kerala Land Acquisition Act, 1961 (Act 21 of 1962)

No. B1-839/83. *11th April* 1984.

Notice is hereby given that the Government intend to take possession of the lands mentioned in the list below, which are required for a public purpose under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962). All persons interested in the lands are required to appear in person or by authorised agent on the date, time and place noted below and to state/put in a statement in writing signed by themselves or their agents showing the

nature of their respective interests in the lands and the amount and particulars of their claim to compensation for such interests in the lands and their objections, if any to the measurements made under section 8 of the Act.

Note.—If the persons interested refuse to make a claim to compensation or omit without sufficient reasons, to make such claim, the amount to be awarded by the Court, in the event of a reference being made to it on application made by them shall in no case exceed the amount awarded by the Collector under section 11 of the Act.

താഴെ കൊടുത്തിരിക്കുന്ന ലിസ്റ്റിൽ പറഞ്ഞിട്ടുള്ളതും, 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം ഒരു പൊതുകാര്യത്തിന് ആവശ്യമായിട്ടുള്ളതുമായ ഭൂമി കൈവശപ്പെടുത്തുവാൻ ഗവൺമെന്റ് ഉദ്ദേശിക്കുന്നുവെന്ന് ഇതിനാൽ നോട്ടീസ് നൽകിയിരിക്കുന്നു. പ്രസ്തുത ഭൂമിയിൽ അവകാശബന്ധമുള്ള എല്ലാപേരും നേരിട്ടോ, അധികൃത ഏജന്റു മുഖേനയോ താഴെ പറയുന്ന തീയതിയിലും സ്ഥലത്തും സമയത്തും ഹാജരാകുകയും, ഭൂമിയിൽ അവരവർക്കുള്ള അവകാശബന്ധങ്ങളുടെ സ്വഭാവവും ഭൂമിയിൽ അങ്ങനെയുള്ള അവകാശബന്ധങ്ങൾ സംബന്ധിച്ചിടത്തോളം നഷ്ടപ്രതിഫലത്തിന് അവർക്കുള്ള തേർച്ചയുടെ തുകയും വിവരങ്ങളും ആക്റ്റ് 8-ാം വകുപ്പുപ്രകാരം എടുത്തിട്ടുള്ള അളവ് സംബന്ധിച്ച് വല്ല ആക്ഷേപവുമുണ്ടെങ്കിൽ അതും ഏതാണെന്ന് കാണിച്ചുകൊണ്ട് പ്രസ്താവന ചെയ്യുകയും, അവരോ അവരുടെ ഏജന്റുമാരോ എഴുതി ഒപ്പിട്ട ഒരു സ്റ്റേറ്റ്മെന്റ് സമർപ്പിക്കുകയും ചെയ്യണമെന്ന് അവരോട് ആവശ്യപ്പെടുന്നു.

കുറിപ്പ്:—അവകാശബന്ധമുള്ളവർ നഷ്ടപ്രതിഫലത്തിന് തേർച്ചചെയ്യാൻ കൂട്ടാക്കാതിരിക്കുകയോ, മതിയായ കാരണമില്ലാതെ അങ്ങനെ തേർച്ച ചെയ്യാൻ വീഴ്ച ചെയ്യുകയോ ചെയ്യുന്നപക്ഷം അവരുടെ അപേക്ഷയിന്മേൽ കോടതിക്ക് റഫറൻസ് അയയ്ക്കുന്ന സംഗതിയിൽ കോടതി വിധിച്ചുകൊടുക്കേണ്ട തുക യാതൊരു സംഗതിയിലും ആക്റ്റ് 11-ാം വകുപ്പുപ്രകാരം കളക്ടർ വിധിച്ചുകൊടുക്കുന്ന തുകയിൽ കവിയാൻ പാടില്ലാത്തതാകുന്നു.

ഹാജരാകേണ്ട തീയതിയും സമയവും സ്ഥലവും— 1984 മെയ് മാസം 16-ാം തീയതി രാവിലെ 11 മണിക്ക് തൃശ്ശൂർ റെയിൽവെ ലാന്റ് അക്വിസിഷൻ സ്പെഷ്യൽ തഹശീൽദാർ മുമ്പാകെ.

PARTICULARS OF LANDS

District—Trichur. Village—Aloor. Taluk—Mukundapuram.

Survey No.	Description	Extent in Hectares
525/2-15	Dry	0.0076
529/1-5	"	0.0175
	Total	0.0251

(Sd.)
Land Acquisition Officer &
Special Tahsildar (L. A.),
Railways.

Trichur.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM. 1984